

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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GUARDIAN PIPELINE, L.L.C., a Delaware  
limited liability company,

Plaintiff,

v.

Case No. 08-C-0028

295.49 ACRES OF LAND, more or less,  
in Brown Co., Calumet Co., Dodge Co.,  
Fond du Lac Co., Jefferson Co., and  
Outagamie Co., WI, et al.,

Defendants.

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**ORDER**

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Guardian Pipeline, LLC has filed a motion to amend this court's order granting immediate possession of those property interests necessary for the construction of its natural gas pipeline in the above matter. Guardian asked the court to amend the order for immediate possession to allow for additional temporary work area easement of 25 feet, adjacent to the existing temporary work area easement, for two properties in the action—tract number G2-DG-084.00, owned by Daniel Becker, and tract number G2-FD-273.00, owned by the Joseph and Eileen Kraus Trust—to allow for “three-lift” soil handling procedures, necessary to preserve the soil productivity of these properties. The motion also seeks authority, however, to allow guardian to utilize a similar 25 feet of temporary work area on such additional tracts as Guardian identifies as being appropriate for three-lift soil handling procedures during the course of its construction. Apparently, Guardian is unable to determine at this time how many or which such properties this may effect.

The court notes that Guardian has apparently served its amended notice on those property owners who have appeared in the action. It is unclear, however, whether property owners who have not entered appearances and yet have not reached agreement with Guardian have received similar notice. Given the fact that the proposed amendment would grant an easement in excess of what Guardian was originally seeking, the court is concerned that interested parties who have not yet appeared may be unaware of Guardian's additional request. Accordingly, Guardian is directed to advise the court as to its position concerning this matter. Has notice of the proposed amendment been given to all of the landowners with whom Guardian has not yet reached agreement? If not, is it Guardian's position that such notice is not needed? Guardian should advise the court of its position within the next ten days.

**SO ORDERED** this 29th day of May, 2008.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge